

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda

February 9, 2016

7:00 P.M.

Call to Order - Council **President Gonzalez called the meeting to order at 7:03 pm.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- **Council President Luis Gonzalez**
- **Council Vice President Cue-Fuente**
- **Councilwoman Lourdes Lozano**
- **Councilman Paul Hernandez**

• **Council Members Absent:**

- **Councilman Jose Caragol**
- **Councilwoman Vivian Casals-Muñoz**
- **Councilwoman Isis Garcia-Martinez**

• **Mayor Hernandez was not present.**

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance - Councilman **Hernandez led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations – **None**

1. Announcement of Amendments/Corrections to the Agenda – **The following was announced by the City Clerk.**

- **Item B has been withdrawn from the agenda.**
- **Item 3 had been changed to LU 1.**
- **The representative of the applicants of Items PZ 4 and PZ 5 asked that the items be postponed until February 23, 2016.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Councilman Hernandez requested separate discussion on item C.

REPORT: Motion to Approve the Consent Agenda, except item C, made by Council Vice President Cue-Fuente, and seconded by Councilman Hernandez. Motion passed 4-0-3 with Councilman Caragol Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent).

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on January 26, 2016. (OFFICE OF THE CITY CLERK) **APPROVED 4-0-3 with Councilman Caragol Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- B. ~~Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Sponsorship Agreement with Simply Healthcare Plans, Inc., in substantial conformity with the agreement attached and made a part hereof as Exhibit "1", to become a Hialeah Pillar Partner and be designated the Official Domino Partner of the Goodlet Adult Center, for a term of three years, commencing on February 1, 2016 through January 31, 2019, with the option to renew for an additional three year term, under similar terms and conditions in exchange for a total sponsorship fee of \$75,000, a marketing bundle including on-site, media, internet, and direct mail advertising opportunities, presentation at special events and programs, VIP parking, presenting sponsor at designated events, signage on Hialeah Transit~~

~~buses, in receipt of other promotional items in connection with special events, for the duration of the agreement. (EDUCATION & COMMUNITY SERVICES DEPT.)~~ **WITHDRAWN**

Item was withdrawn from the January 12, 2016 City Council Agenda.

- C. Proposed resolution approving and ratifying a Grant Agreement between the City of Hialeah and the State of Florida Department of Transportation, executed by Sergio Velazquez, City of Hialeah Chief of Police on behalf of the City, a copy of which is attached hereto and made a part hereof as Exhibit “1”, for a direct award in the amount of \$259,679 through the Florida Traffic Records Information Systems Grant, for fiscal year 2015-2016, to replace outdated mobile terminals and to obtain and install the required hardware for the effective use of the Traffic and Criminal Software System, which will make citation and crash data collection more accessible, accurate and uniform, allowing for the timely submission of said data to the appropriate state and county agencies; and further authorizing the Mayor or his designee on behalf of the City to execute all necessary documents in furtherance thereof; providing for an effective date. (POLICE DEPT.) **APPROVED 4-0-3 RESOLUTION NO. 2016-17**

REPORT: Annette Quintana, Director of the Department of Grants & Human Services, addressed Councilman Hernandez’s questions regarding this item.

REPORT: Motion to Approve Item C made by Councilman Hernandez, and seconded by Council Vice President Cue-Fuente. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

- D. Report of Scrivener’s Error – Item C, passed during the City Council Meeting of October 27, 2015, was approved with the incorrect account number – 105.1000.521.499. The account number is being amended to reflect 105.1000.521340. (POLICE DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- E. Request permission to utilize State of Florida Contract No. 22101000-15-1-*Construction and Industrial Equipment*, since it is advantageous to the City, and issue a purchase order to Bobcat Company, to purchase an E26 T4 Bobcat Compact Excavator with hydraulic clamp, operator training kit, service safety training kit, x-change auger interface, and 16” and 20” standard duty buckets, class 2, in a total cumulative amount not to exceed \$28,483.23. (CONSTRUCTION AND MAINTENANCE DEPT. & STREETS DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to South Florida Awnings, Inc., vendor providing the lowest quotation, for vinyl awnings for the Water and Sewers Department, in a total cumulative amount not to exceed \$22,680. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- G. Request permission to utilize Houston-Galveston Area Council, Houston Texas Contract No. RA05-15 – *Radio Communication/Emergency Response & Mobile Interoperability Equipment*, since it is advantageous to the City, and issue a purchase order to Alcatel-Lucent USA Inc., to

purchase a new microwave system in order to replace the existing outdated and out of support system, in a total cumulative amount not to exceed \$342,274.97. (FIRE DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Super Landscape & Maintenance, Inc., vendor providing the lowest quotation, for the services of lifting, thinning, trimming, cleaning, as well as for the removal and stump grinding of various trees and plants at McDonald Park, in a total cumulative amount not to exceed \$22,500. (PARKS AND RECREATION DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- I. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to East Continental Supplies, LLC, vendor providing the lowest quotation, for custom built lockers to be installed in the locker rooms at Ted Hendricks Stadium at Milander Park, pursuant to a two (2) year rental agreement, approved by the City Council, between the City and ASA College in which the City agreed to provide the school with the use of Ted Hendricks Stadium at Milander Park for the college's football practices and games, in a total cumulative amount not to exceed \$45,914.13. (PARKS AND RECREATION DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.**
- J. Proposed resolution approving the expenditure totaling an amount not to exceed \$144,445.06 from the Law Enforcement Trust Fund – *State*, to cover a payment due under the Purchase Agreement executed with PNC Equipment Finance, LLC for the acquisition of the Computer Aided Dispatch System Software and Records Management System Software and related services for the Hialeah Police Department, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-18.**
- K. Board Appointments – **None**
- L. Unfinished Business – **None**
- M. New Business – **None**
- N. Comments and Questions – **None**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All were duly sworn in.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) for the operation of an existing hospital, Palmetto General Hospital pursuant to Hialeah Code §98-181(2)(e), on property zoned GU (Governmental Use). **Property located at 2001 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Ana Mederos) **APPROVED 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-12**

<i>Item was approved by City Council on first reading on January 26, 2016.</i>
<i>Item was approved by the Planning and Zoning Board on January 13, 2016.</i>
<i>Registered Lobbyist: Mark Richards, AICP</i>

REPORT: Motion to Approve Item PZ 1 made by Councilman Hernandez, and seconded by Council Vice President Cue-Fuente. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

- PZ 2.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a Duplex on a substandard-sized lot having a frontage of 50 feet, where at least 75 feet are required, and a total area of 5,550 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-544. **A vacant lot located at 2210 West 5 Way, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Francisco Vasallo and Maribel Vasallo) **APPROVED 4-0-3 ORDINANCE NO. 2016-13**

<i>Item was approved by City Council on first reading on January 26, 2016.</i>
<i>Item was approved by the Planning and Zoning Board on January 13, 2016.</i>
<i>Registered Lobbyist: Fred Endara</i>
<i>Registered Lobbyist: Harry Sanchez</i>

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Cue-Fuente, and seconded by Councilman Hernandez. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

- PZ 3.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to RO (Residential Office District) and granting a Variance Permit to allow a front setback of 12 feet, where 15 feet are required, contra to Hialeah Code § 98-781(1). **Property located at 875 East 41 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Eleana M. Cruz)

<i>Item was approved by the Planning and Zoning Board on January 27, 2016.</i>
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<i>Registered Lobbyist: Sergio Perez Alvarez</i>
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REPORT: Motion to Approve Item PZ 3 made by Council Vice President Cue-Fuente, and seconded by Councilwoman Lozano. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 23, 2016.

- PZ 4.** Recommendation of denial by the Planning and Zoning Board for the approval of rezoning from R-1 (One Family District) to P (Parking District) property located at **991 West 48th Street, Hialeah, Florida.** (*Applicant: Arena-Westland Shoppes, LLC*)

<i>Item was denied by the Planning and Zoning Board on January 27, 2016.</i>
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<i>Registered Lobbyist: Mario Serralta</i>
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<i>Registered Lobbyist: John Flynn</i>
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REPORT: Motion to Postpone Item PZ 4 until February 23, 2016 made by Councilman Hernandez, and second by Council Vice-President Cue-Fuente. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

- PZ 5.** First reading of proposed ordinance rezoning property from R-3-3 (Multiple Family District) to R-3-5 (Multiple Family District) and granting a Variance Permit to allow a 2-foot landscaped buffer between the off-street parking and the right-of-way, where 7 feet are required, to allow 10 parking spaces, where 12 parking spaces are required, and to allow a rear setback of 8 feet, where 20 feet are required, contra to City of Hialeah Landscape Manual (July 9, 2015) Section (d) Subsection (7), and Hialeah Code §§ 98-2189(19) b and 98-591. **Property located at 20 East 41 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq. in representation of the owner of the property*)

<i>Item was approved by the Planning and Zoning Board on January 27, 2016.</i>
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REPORT: Motion to Postpone Item PZ 5 until February 23, 2016 made by Councilman Hernandez, and second by Council Vice President Cue-Fuente. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

- PZ 6.** First reading of proposed ordinance granting a Variance Permit to allow a LED Pylon Sign on property zoned C-2 (Liberal Retail Commercial District) outside the geographic area where LED signs are permitted, with a sign height of 24.6 feet, where a maximum of 20 feet are allowed, and having a distance of 35 feet from residential-zoned properties, where a minimum of 300 feet radius is required, provided that the second existing pole sign is removed prior to the approval of a Sign Permit, contra to Hialeah Code §§ 74-149 (b), 74-149(g)(2)(c), and 74-149(e). **Property located at 500 West 29 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in

conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ralph Desantis*)

Item was approved by the Planning and Zoning Board on January 27, 2016.

REPORT: Ralph Desantis, 500 West 29 Street, Hialeah, FL, addressed the Council regarding item PZ 6.

REPORT: Motion to Approve Item PZ 6 made by Council Vice President Cue-Fuente, and seconded by Councilman Hernandez. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

LAND USE AMENDMENTS

LU 1. First reading of proposed ordinance adopting a Text Amendment to the Hialeah, Fla., Comprehensive Plan, to include a new health element; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

REPORT: Motion to Approve Item LU 1 made by Council Vice President Cue-Fuente, and seconded by Councilwoman Lozano. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 23, 2016.

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 16-01 that granted adjustments on condition that the utility room and terrace built without the benefit of a Building Permit be legalized within 180 days on property located at **241 West 59 Street, Hialeah, Florida**; and providing for an effective date. (*Applicant: John Nuño*)
APPROVED 4-3-0 RESOLUTION NO. 2016-19

Item was approved by the Planning and Zoning Board on January 13, 2016.

REPORT: Motion to Approve Item FD 1 made by Councilman Hernandez, and seconded by Council Vice President Cue-Fuente. Motion passed 4-0-3 with Councilman Caragol, Councilwoman Casals-Muñoz and Councilwoman Garcia-Martinez absent.

REPORT: Council President Gonzalez adjourned the meeting at 7:27 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, February 23, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 23, 2016 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).